

S. Mark Varney, No. 121129
Jonathan Yank, No. 215495
CARROLL, BURDICK & McDONOUGH LLP
Attorneys at Law
44 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: 415.989.5900
Facsimile: 415.989.0932
Email: mvarney@cbmlaw.com
jyank@cbmlaw.com

Attorneys for Defendant
SUNBEAM PRODUCTS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FIRE INSURANCE EXCHANGE,

Plaintiff,

v.

SUNBEAM PRODUCTS, INC. and
DOES 1 through 10, inclusive,

Defendants.

No. CV 08-0367 CW

**APPLICATION OF THOMAS L. VITU TO
APPEAR AS COUNSEL *PRO HAC VICE***

I, Thomas L. Vitu, declare:

1. Pursuant to Civil Local Rule 11-3, I hereby respectfully make application to appear in this matter as counsel *pro hac vice* for Defendant Sunbeam Products, Inc. ("Sunbeam"), and in support of said application, I state the following facts which are known to me personally.

2. I am an attorney at law and a member of the law firm of Moffett, Vitu, Lascoe & Packus, P.C., 255 E. Brown Street, Suite 340, Birmingham, Michigan 48009. I have been admitted to practice in the State of Michigan (No. P39259) since November, 1986, and am also admitted to practice before the following courts:

FILED
2008 MAR 31 PM 4:12
RICHARD W. BUEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COURT	DATE
State Bar of Ohio (No. 0068939)	February, 1998
United States District Courts of Michigan	December, 1986
United States Court of Appeals for the Sixth Circuit	April, 1992
United States District Court for the District of Colorado	November, 2005
United States District Court for the Eastern District of Wisconsin	May, 2007

3. I am a member in good standing in the State of Michigan. I have never been convicted of a crime, censured, suspended, disciplined or disbarred by any court, nor do I have any disciplinary or contempt proceedings involving me pending before any court, nor have I been denied admission to the courts of any federal court.

4. I reside in the State of Michigan. I do not reside in California and am not regularly engaged in the practice of law in the State of California.

5. I seek admission as counsel *pro hac vice* in this matter solely for the preparation and trial of this particular action. My firm and I are national counsel to defendant Sunbeam. Sunbeam has requested that we participate actively in the defense of this case, based upon the special trust and confidence reposed in this firm by virtue of such continuing association and our expertise in the relevant legal and factual issues characteristic of such litigation.

6. I agree to apprise myself of and abide by the Standards of Professional Conduct of the State Bar of California, as well as the other requirements set forth in Civil Local Rule 11-4, and agree to become familiar with the Local Rules and Alternative Dispute Resolution Programs of this Court.

1 7. An attorney who is a member of the bar of this Court in good standing
2 and who maintains an office within the State of California has been designated as co-
3 counsel in this action. The name, address, and telephone number of that attorney is:

4 S. Mark Varney, No. 121129
5 CARROLL, BURDICK & McDONOUGH LLP
6 Attorneys at Law
7 44 Montgomery Street, Suite 400
8 San Francisco, CA 94104
9 Telephone: 415.989.5900
10 Facsimile: 415.989.0932

11 I declare under penalty of perjury under the laws of the State of California that
12 the foregoing is true and correct and that this application was executed on February __,
13 2008, at Birmingham, Michigan.

14 By _____

15 Thomas L. Vitu
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